City of Lafayette Staff Report

To: City Council

Meeting Date: October 14, 2008

From: Joanne Robbins, City Clerk

Subject: 2008 Mandatory Review of Conflict-of-Interest Code

On May 27, 2008 the City Council directed staff to review the conflict-of-interest codes, file the Biennial Notices and update Lafayette's conflict-of-interest code if necessary.

The review of the conflict-of-interest code is complete, the City Manager has signed and filed the 2008 Local Agency Biennial Notice with the city clerks office indicating that an amendment was required. A copy of the amended Appendix to the Code with revisions is attached. No further action by the council is necessary at this time.

Recommendation: Receive and file.

10K

2008 Local Agency Biennial Notice

Name of Agency: ~~City of Lafayette~~

Mailing Address: 3675 Mt. Diablo Blvd. Suite 210, Lafayette, CA 94549

Contact Person: Joanne Robbins Office Phone No: 925-284-1968

E-mail: jrobbins@lovelafayette.org Fax No: 925-284-3169

This agency has reviewed its conflict-of-interest code and has determined that:

☒ **An amendment is required. The following amendments are necessary:**
(Check all that apply.)

- ○ Include new positions (including consultants) that must be designated.
- ○ Delete positions that manage public investments from the list of designated positions.
- ○ Revise disclosure categories.
- ☒ Revise the titles of existing positions.
- ○ Delete titles of positions that have been abolished.
- ○ Other *(describe)* _____

☐ **Code is currently under review by the code-reviewing body.**

☐ **No amendment is required.**
The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

_____ 9.30.08

Signature of Chief Executive Officer *Date*

Steven Falk, City Manager

Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than **October 1, 2008**, to:

(PLACE RETURN ADDRESS OF CODE- REVIEWING BODY HERE)

3675 Mt. Diablo Blvd., Suite 210
Lafayette, CA 94549

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

Fair Political Practices Commission
428 J Street, Suite 620, Sacramento, CA 95833
For Technical Assistance: (866) ASK-FPPC

LEGISLATIVE VERSION
(SHOWS CHANGES)

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

CITY OF LAFAYETTE

(Amended December 11, 2006[3])

EXHIBIT "A"

The Mayor, Members of the City Council and Planning Commission, the City Manager, the City Attorney, the City Treasurer, and all Other City Officials who manage public investments as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the City's Code but are subject to the disclosure requirements of the Act. (Government Code Section 87200 et seq.). [Regs. § 18730(b)(3)]

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

It has been determined that the positions listed below are Other City Officials who manage public investments[4]. These positions are listed here for informational purposes only.

Administrative Services Director

Financial Consultants

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3 Titles updated September 2008.

4 Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

DESIGNATED EMPLOYEES' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
Administrative Analyst	6
Assistant Planner	2, 3, 7
Associate Engineer	2, 3, 6
Associate Planner	2, 3, 7
City Attorney (Not filing under Gov Code 87200)	1, 2
City Clerk/Municipal Information Officer	6
Code Enforcement Officer	7
Community Development Director	1, 2
Engineering Services Manager	2, 3, 6, 7
~~Engineering Technician/Public Works Inspector~~Building Inspector	7
Financial Services Manager	5
Lamorinda Senior Transportation Program Coordinator	6
Management Assistant, Public Works	6
Parks, Trails & Recreation Director	2, 3, 6
Planning & Building Services Manager	1, 2
Planning Technician	7
Public Works Services Manager	2, 3, 6
Recreation Program Supervisor	6

Senior Engineer	2, 3, 6, 7
Senior Planner	2, 3, 6, 7
Transportation Planner	2, 3, 6
Transportation Program Manager (Bus)	6

MEMBERS OF BOARDS, COMMISSIONS & COMMITTEES

Capital Projects Assessments Committee	1, 2
Circulation Commission	1, 2
Code Enforcement Appeals Board	1, 2
Design Review Commission	1, 2
~~Environmental Strategy Task Force~~	~~1, 2~~
~~Lafayette~~ Library & ~~Learning Center~~ Public Art Committee	2, 6
Parks, Trails and Recreation Commission	1, 2
Technology Task Force	6

Consultant[5]

[5] Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The City Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, including gifts, loans and travel payments, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income that are located in, that do business in or that own real property within the jurisdiction of the City.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the City.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the City.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the City.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.

Category 7: All investments and business positions in, and sources of income from, business entities subject to the regulatory, permit, or licensing authority of the Designated Employee's Department.